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THE WAR

AND

ITS CAUSE.

By

W. L. G.



NEW-YORK.

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The War and Its Cause.

THE United States is a government, created through the adoption of the Constitution, by States.

As States breathed life into it, through State action its existence is continued.

States are represented in its Congress.

State electors designate its Executive.

States having the greatest proportion of representatives, though a minority of all, can, by a failure to elect members of Congress, paralyze it.

A majority of States, though a minority of the population in the United States, can, by a failure to send Senators, equally bring it to an end.

It cannot take, of its own power, a foot of land in any State, against the will of the owner, without the authority and action of the State Legislature.

Its citizens only share in government as citizens of the several States. They are not citizens of each State; and are only, through a special provision, entitled to the privileges and immunities of the citizen ~~in any other State~~ in any other State than their own.

Therefore, the inhabitants in the United States do not constitute a nation, nor are they one people; but they are the subjects of a common government, which, through State

action, exercises over all the States certain functions confided to it.

All the authority of the United States, therefore, is derived from the Constitution, by which that authority is precisely defined, and all powers not distinctly enumerated therein, are not only impliedly, but expressly, reserved to the States.

This system of government, which, at the time of its adoption was, and at the present is, the best that could have been devised, is completely novel, unlike any federative system known to history, and as superior to all previously tried as a railroad to a common road. It is subject to the same necessity as the railroad. The engine must be run upon the track laid down.

This Constitution has provided against its violation by Congress, by the Executive, and by individuals. Against all aggressions by either, the remedy is ample and the punishment adequate. Against a majority, however, it has no defence, for if the majority violates, that majority administers. The offender is the judge. In such a contingency, revolution is the only remedy.

Under the Constitution there are certain subjects upon which States may govern other States, and citizens in one State, through State action, ask and compel the obedience of citizens of other States. On these subjects the will of majorities must control, for such is the obligation of the compact.

Without copying from the Constitution the list of those subjects, it is sufficient to say, that slavery is not among them. It, equally with religious ~~beliefs~~, is excluded from the matters of common government. Upon all included subjects, opinions may differ and parties be formed. They, and they only, are proper subjects of federal politics.

When the power of the federal administration is acquired

upon a question not within its scope and duties, the Constitution ceases to be the government, and in its stead rises the will of the majority. We no longer live under a limited, but an unlimited democracy. The election of Mr. Lincoln on the Chicago platform was a revolution. It was a new Declaration of Independence. Upon the subject of slavery the free States announced their determination not to be fettered by the narrow bounds of the Constitution, and their resolve to bring within the scope of the federal government an object for which it was not instituted. All the States had agreed to submit certain material interests to the general control. Upon material interests, power may safely be entrusted to majorities; for self-interest is keen originally, and when mistaken, may be addressed by reason, or convinced by experience; but upon matters of mere opinion, reason is dumb and interest blind. The republican creed set forth a law higher than the Constitution. The election of a republican candidate was the triumph of a law higher than the Constitution. The secession of the Southern States is their protest against a law higher than the Constitution. They had consented to be governed upon certain questions, and government was to be exercised over them upon another. If that principle was established, they were not participants in self-government, but were governed by a foreign people, upon a subject of which that foreign people had no knowledge, and could have no experience, upon which they could feel, but not having the means of judgment, could not reason. Each slave State necessarily sunk from its equality, became a satrapy, not a constituent of the federal government.

Suppose the slave States Catholic, and the free States Protestant; that an anti-Catholic agitation had been for forty years in progress; that a party was formed upon the

basis of hostility to Catholicism in the abstract, and to prevent its extension, by sedulously guarding against the addition of any Catholic States ; that such party acquired the possession of the federal government upon that basis alone, could any man be found insane enough to contend that the majority had constitutionally exercised the power of numbers ?

But it may be objected that any religious faith is good, and that all slavery is bad. Possibly, but the relations of both to the general government, to the States, and to the Constitution, are the same. The abolition of slavery involves questions of race, pauper population, social status, and repugnance of color, upon which each State can judge for itself, wisely or not, but without appeal and without interference.

New-York abolished slavery. No objection was made. New-York might re-establish slavery : no objection could be made. Advice from any other State would be impertinent. Political action in any other State to control its judgment, every citizen would feel an invasion of his rights. What would be unjust to New-York is equally unjust to South Carolina.

But no one proposed to interfere with the rights of the States, as to property in the States. That is not the wrong, for any such attempt there is preventive law, and who ever prided himself upon not committing burglary ? The wrong, is disposing of a government, upon a subject for which it was not instituted, and upon which the disposition of its power was not contemplated.

Hostility to slavery, as a principle of political action, necessarily excludes the slave States from a participation in the general government. It puts the slaveholder upon an inequality with the citizens of a free State ; it brands him as immoral, and as unworthy of trust.

It exerts the influence of the federal government against the slave States.

But Mr. Lincoln was a minority President. What an election did an election may undo. The free States are not a minority, however. No party in them was found willing to risk its hopes of success upon fidelity to the Constitution. The democratic and American parties denied the expediency of making the general government a means of acting upon the subject of slavery, but affirmed the principle that its possession could be acquired upon hostility to slavery, and its influence wielded to affect that institution. If government is once administered under that theory, a right by prescription starts, and a statute of limitations begins to run.

If an election may be disputed by bullets, what is the use of the ballot ?

There is no mistake under our system so fatal as the popular belief that majorities govern. The Constitution governs ; majorities administer government. The Judge who expounds is not the law ; the steam which propels is not the engine. Upon all subjects on which the ballot has the right to govern it will govern. Whether we shall enter into a war or make a peace ; whether we shall raise money by duties, excise, or direct tax ; in short, upon all the questions properly submissible to majorities under the Constitution, there rarely have been murmurs, and never resistance. But when the moral belief of the people of one section is to rule the people of another section, there will be resistance. It may be crushed, indeed, but by the expense and misery it occasions, will teach majorities that justice is the better policy.

There is another fatal error, which is so prevalent as to deserve mention. A phrase—the Union—has crept into use till many think that it conveys a fact, and describes an institution ; that the Union is a something, as distinct as the Constitution, and that devotion to the one excuses infidelity to the

other. A "more perfect union" was one of the objects and one of the results of the adoption of the Constitution, so were "justice, common defence, and the blessings of liberty;" but they all exist under, not independent of the Constitution, flourish with it, and will expire with it.

There is also a strange misconception as to the rights of the citizens of each State in relation to other States. We have treaties, trade, and are friendly with Brazil, a slave empire; Russia, a serf empire; France, where the press is fettered; Turkey, where Christianity is despised and polygamy adored. The citizen of Massachusetts feels no moral duty, nor indeed right, to interfere with the habits, morals, or institutions of either, and yet endeavors to affect all of them in Georgia, which, except through the common adoption of the Constitution by Georgia and Massachusetts, is as foreign to him as Japan. He has no rights as to Georgia, except those which the Constitution gives him. He has a right to go there and enjoy all the rights and immunities of a Georgian, and in his own State, upon all constitutional subjects, to help govern Georgia, and no more. Beyond those privileges, respect for law, to say nothing of the common courtesies of civilized life, should prevent any action intended to influence questions, the business of Georgians exclusively. It is not at all astonishing that foreigners should misunderstand our system. They only know nations, and cannot conceive that which is not familiar to their experience; but there is no excuse for a people so well educated, and well read as our own. We ought not to misunderstand our system. Its characteristics are: free trade among the States; institutions suited to each State, exclusively under the control of each State; and a general government for interests common to all the States. Under this theory we have prospered beyond example.

In an evil hour this policy was abandoned, and the local institutions of some States became the subject of comment, of interference, of hatred on the part of other States. For a long series of years, interference and reproach on one side have been met with bitterness and indignation on the other. Gradually all the cords which bind distinct communities together in a brotherhood of feeling and action have been snapped, and at last the only legal tie, the general government, was bestowed by hostility to slavery, as the sole basis of the political party which triumphed.

But, it may be urged, no matter why Mr. Lincoln was elected, all constitutional forms have been observed, he is entitled to his office, and ought to be recognized.

The law has a maxim, *qui hæret in litera hæret in cortice*, who insists upon the letter of the law, against the spirit of the law, mistakes the bark for the tree. If a party created for a purpose, not known to the Constitution, becomes a permanent majority, which governs—the Constitution, or the unconstitutional dogma? If the free States had no constitutional right to make the slavery question a subject of federal politics, then the forms of election under the Constitution did not purge the offence. If the spirit be violated, what matters it if the forms be preserved? Among the various means of propagating ill feeling between the slave and free sections, none have been probably so successful as the assertion that the South has always had possession of the government. There never has yet been a South, not even at the last election. The South was not all republican, while the North was all federalist. The South was not all democratic, and the North all whig. But when it became clear that the North would be universally not hostile merely to slavery, which it had a right to be, but determined to carry that hostility into federal politics, the South discovered that it

must also be an unit for its safety, and has been gradually drawing together.

Not only the slave States have not always, but they never have possessed the general government. Moreover, Northern rather than Southern intellect has shaped the course of events. Hamilton influenced the future of the United States more than all the Southern statesmen who ever came to Washington, and he must have been a bold man who would have pronounced before Ellsworth, Adams, Marcy, or Webster, the puerile falsehood that the South governed.

But why secede ?

What could the slave States do ? If they once submitted, why should they not always submit ? How could they make the free States understand that, in their view, the right of self-government was invaded ? They had talked for forty years, had taken half their rights before, were ready to take half again, and that pittance was refused them.

Is secession a Constitutional right ? Clearly not. It is revolution, through legal forms. The two revolutions now stand face to face in arms. No matter what the result, the cause of self-government has received a severe, if not fatal wound.

The cup which the free have pressed to the lips of the slave, may, after triumph, be pressed by some to the lips of the others. Once establish the principle, that upon subjects not within the Constitution the federal power may be conferred, and passion and prejudice have that sway which a Constitution is established to prevent. It is possible that, underlying all human institutions, is a principle which seeks expression in them, and, like an acorn planted in a vase, rends, when denied its growth.

The principle of our institutions may be the equality of all men before the law and the State, but it was not so under-

stood by the framers, nor until lately by the expounders. It was reserved for latter times, and a presidential advocate, to discover that our government was meant for some other purpose than to govern.

The framers of the Constitution founded a government under which men, minding their own business, would prosper. By endeavoring to engraft upon their work the principle of minding other people's business, we are now in a condition of which the resulting wretchedness has not been conceived by the most gloomy mind.

We are now in a civil war. It can have only two results. The United States may succeed : then the slave States are unwilling subjects, and government is no longer founded on the will of the governed.

The seceded States may succeed. Then two separate powers, to the infinite disadvantage of both, will rule what might be ruled by one, to the infinite advantage of both.

Or, we can have peace and prosperity, by the admission of the free States, that, under the Constitution, hostility to slavery can only be exerted morally, not politically.

The abnegation of a claim to annoy and abuse, the self-denial of Phariseism, are undoubtedly great sacrifices ; but they who have so recently waked up to the value of "the Union," may possibly be willing to pay even that price for it.

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